

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**MARGARET SHERMAN, and  
RICHARD SHERMAN,**

**Plaintiffs,**

**V.**

**SUNSONG AMERICA, Inc., SHIU  
FUNG FIREWORKS, Co., LTD.,  
WINCO FIREWORKS, Inc., WINCO  
FIREWORKS INTERNATIONAL, LLC.,  
SHANGLI JIN XIN EXPORT  
FIREWORKS FACTORY, and  
WILLIAM LU,**

**Defendants.**

**Case No. 8:04CV300**

**ORDER**

This matter is before the Court on the Joint Motion for Extension of Time to Reply to Plaintiffs' Opposition to Summary Judgment filed by Shiu Fung Fireworks Co., Ltd. ("Shiu Fung"), Winco Fireworks, Inc., and Winco Fireworks International, LLC, (collectively, "Winco") (Filing No. 247), and on the correspondence filed by counsel for Shangli Jin Xin Export Fireworks Factory, which I have construed as a motion to join in the joint motion for an extension of time. (Filing No. 248). Defendants seek an additional 15 days, 20 days altogether, to file their reply briefs.

As a preliminary matter, my previous order on the Defendants' joint motion (Filing No. 249) will be stricken. Plaintiffs' counsel have brought to my attention Magistrate Judge Gossett's Order of October 19, 2006, that clearly provided the Plaintiffs with additional time to respond to the Defendants' motions for summary judgment. (Filing No. 190, Amended Trial Order).

Reply briefs are for the purpose of responding only to arguments that could not have been made in the initial, supporting brief and addressing unanticipated evidence. Much of the evidence offered by the Plaintiffs in opposition to the Defendants' motions for summary judgment is in the form of deposition testimony; depositions that Defendants' counsel attended and with which counsel presumably are familiar. While the number of issues is significant, the reply brief need not be lengthy. Because the briefing schedule directly affects the Court's ability to resolve the motions before trial, currently set for March 12, 2007, I will grant the Defendants only a brief extension of time. For these reasons,

IT IS ORDERED:

1. The Order at Filing No. 249 is hereby stricken;
2. The Joint Motion for Extension of Time to Reply to Plaintiffs' Opposition to Summary Judgment (Filing No. 247) and motion (Filing No. 248) are granted, to a limited extent; and
3. Defendants shall file their reply briefs on or before Friday, January 26, 2007.

Dated this 18<sup>th</sup> day of January 2007.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge